

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BMO BANK N.A.,

Plaintiff,

v.

H&R TRANSPORT, et al.,

Defendants.

Case No. 1:24-cv-00710-KES-EPG

ORDER SETTING DEADLINE RE:
DEFAULT JUDGMENT

(ECF Nos. 8, 9)

Plaintiff filed this action on June 18, 2024, and has since sought and obtained a clerk's entry of default under Federal Rule of Civil Procedure 55(a) against Defendants H&R Transport and Harmandeep Singh Gill. (ECF Nos. 8, 9). Given the Clerk's entry of default, the Court will set a deadline for Plaintiff to move for default judgment under Rule 55(b)(2).¹ Additionally, the Court advises Plaintiff of the following basic requirements for a motion for default judgment.²

The motion must establish proper service on Defendants and the Court's jurisdiction. *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) ("When entry of judgment is sought against a party who has failed to plead or otherwise defend, a district court has an affirmative duty to look into its jurisdiction over both the subject matter and the parties."); *see S.E.C. v. Internet Sols. for Bus. Inc.*, 509 F.3d 1161, 1165 (9th Cir. 2007) ("We review de novo whether default judgment is void

¹ Alternatively, if Plaintiff believes a default judgment by the Clerk is appropriate under Rule 55(b)(1), Plaintiff may file such a request.

² This order does not purport to advise Plaintiff of all applicable requirements.

1 because of lack of personal jurisdiction due to insufficient service of process.”). The motion must
2 address the relevant factors regarding default judgment. *See Eitel v. McCool*, 782 F.2d 1470,
3 1471-72 (9th Cir. 1986) (noting seven factors that courts may consider before exercising
4 discretion to enter default judgment). And the motion must support any request for attorney fees,
5 costs, and prejudgment interest. *See In re Ferrell*, 539 F.3d 1186, 1192 (9th Cir. 2008) (noting
6 party seeking attorney fees and costs must specify basis for such award); *Schneider v. Cnty. of*
7 *San Diego*, 285 F.3d 784, 789 (9th Cir. 2002) (“Whether prejudgment interest is permitted in a
8 particular case is a matter of statutory interpretation, federal common law, and, in some instances,
9 state law.”); Fed. R. Civ. P. 54(c) (“A default judgment must not differ in kind from, or exceed in
10 amount, what is demanded in the pleadings.”).

11 Accordingly, IT IS ORDERED as follows:

- 12 1. Plaintiff has until September 23, 2024, to move for default judgment against Defendants.
- 13 2. Plaintiff’s motion for default judgment shall provide developed argument, including
14 citation to the record and relevant legal authority, in addressing the requirements
15 discussed above and any other applicable requirements. *See* Fed. R. Civ. P. 7(b)(1)(B)
16 (noting that motions must “state with particularity the grounds for seeking the order”).
- 17 3. The initial scheduling conference set for September 19, 2024, at 10:00 a.m. is
18 VACATED, along with related deadlines. (ECF No. 3).

19 IT IS SO ORDERED.

20 Dated: August 22, 2024

21 /s/ Eric P. Gray
22 UNITED STATES MAGISTRATE JUDGE
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